

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FAYETTEVILLE DIVISION

BRANDON MITCHELL LAYTON

PETITIONER

V.

Civil No. 07-5014

LARRY NORRIS, DIRECTOR,  
ARKANSAS DEPARTMENT OF  
CORRECTION

RESPONDENT

O R D E R

On this 3<sup>rd</sup> day of May, 2007, there comes on for consideration the Report and Recommendation (Doc. 3) filed in this case on March 28, 2007, by the Honorable James R. Marschewski, United States Magistrate for the Western District of Arkansas. No objections have been filed to the Report and Recommendation.

The Court has reviewed this case and, being well and sufficiently advised, finds as follows: The Report and Recommendation is proper and should be and hereby is adopted in its entirety. Accordingly, the 28 U.S.C. § 2254 petition is hereby dismissed without prejudice for failure to prosecute.

IT IS SO ORDERED.

/S/JIMM LARRY HENDREN  
JIMM LARRY HENDREN  
UNITED STATES DISTRICT JUDGE